IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Writ Petition No.34821 of 1997
DATED 28-3-2007

BETWEEN
T.Durga Malleswara Rao

.. Petitioner

And

The Zonal Manager,
Indian Bank Zonal Office,
Liberty Plaza,
Basheerbagh, Hyderabad.

.. Respondent

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.34821 of 1997

ORDER:

The action of the respondent in not regularizing the services of the petitioner is questioned in this writ petition as arbitrary and illegal and a direction is sought to the respondent to empanel the petitioner for the post of sub-staff and to consider his case for regularization in the category of sub-staff in accordance with rules and guidelines of the Indian Bank.

An identical relief was sought for in a batch of writ petitions in W.P.No.18998 of 1997 and batch and a Division Bench of this Court, by order dated 16.2.1998 passed the following order.

"These writ petitions have been filed by the petitioners complaining that even though they have been working as temporary sub-staff in various branches of respondent – Indian Bank since a long time, they are sought to be disengaged. Specific directions are sought for to empanel the petitioners for the posts of temporary sub-staff in the respondent Bank and also to consider their request for regularization in the said category of sub-staff in accordance with the rules and guidelines of the Bank.

Insofar as the rules and guidelines of the bank are concerned, it is clear that the Branch Managers are following the same and they have been engaging the petitioners and the like in their respective branches. The fact that the petitioners are not empanelled for the purpose of requisitioning their services temporarily in the leave vacancies is not in dispute. What Mr.Vidyasagar, the learned counsel for the petitioners contends is that the list, which has been prepared in the year 1990 with 1200 names to be requisitioned for the temporary sub-staff posts in leave vacancies has to undergo a change as in some branches the empanelled candidates are not available. But this is a question of fact and we cannot decide the same while exercising the extraordinary power under Article 226 of Constitution of India. What is the requirement of sub-staff on temporary basis and what steps have to be followed is a question for consideration for the employers. Definite guidelines are framed by the bank authorities for requisitioning the services of sub-staff on temporary basis in leave vacancies and the names of the petitioners do not find place in the said list. The petitioners cannot claim as of right to engage them as temporary sub-staff. However, if the competent authority feels the necessity of preparing a second list, then if the petitioners qualify for such empanelment their names may be considered for such empanelment. We make it clear that the bank authorities shall be entitled to engage sub-staff who are empanelled to serve on temporary basis in the leave vacancies. If they want to engage any person on temporary basis in the leave vacancy dehors that list, they have to consider the claims of the petitioners before considering the claims of any fresh candidates."

This writ petition is also disposed of in accordance with and in terms of the aforesaid orders of the Division Bench. No costs.

RAMESH RANGANATHAN,J

Dt: 29.1.2007
msv.